

REMARKS

As noted above, Claims 1, 4, 13, 14, 17, 26, 30, 31 and 36 have been amended in response to the Examiner's rejection under 35 U.S.C. 112, second paragraph. Such claims should now be in condition for allowance. Applicants otherwise respectfully traverse the Examiner's prior rejection of Claims 1-6, 8-19, and 21-38.

Claims 1-3, 5, 8-16, 18, and 21-38 stand rejected under 35 USC 103(a) as being unpatentable over Giovannoli in view of Shkedy and further in view of U.S. Patent No. 6,604,239 (hereafter "Kohen"). The Examiner admits that Giovannoli in view of Shkedy does not disclose obtaining (now recited as receiving in response to the Examiner's rejection under 35 USC 112) information regarding prior use of telecommunication services of the buyer as recited by Claims 1, 13, 26, 30-31, and 35-38. The Examiner also has abandoned and apparently acknowledges that the two prior rejections of the patented claims based on the practices of used car salesman and online computer purchasing are not relevant to the claimed invention. However, the Examiner now asserts that a third prior art reference discloses the limitation of obtaining information regarding prior use of telecommunication services of the buyer. More particularly, the Examiner asserts that Kohen suggests obtaining such information at Column 7, lines 27-39. However, Kohen merely teaches gathering user feedback about existing or proposed televisions programs in connection with a ratings system. Kohen does not teach information regarding prior use of telecommunication services of a buyer, much less in connection with a purchasing system or method for telecommunication services, **much less where a reply is received or generated in response to the information.** One advantage, without limitation, of

such a system or method, as previously discussed, is that the information regarding the prior use of telecommunication services by a buyer can be used by a seller to evaluate whether or not to give a reply (such as, without limitation, an offer) to the buyer. Kohen, as directed to a rating system and not a purchasing system, and by merely collecting preference data to be used in determining future programming, could not provide such an advantage nor any other advantage applicable to a purchasing system. Further, there is no suggestion to combine Kohen with the purchasing systems of Giovannoli and Shkedy. The Examiner seems to be asserting that it would have been obvious to combine the teachings of the references because someone of ordinary skill in the art at the time of the invention would have known that it would have been desirable to combine certain aspects of the television ratings system of Kohen with the purchasing systems of Giovannoli and Shkedy. However, it does not make any sense and is certainly not desirable to have people who have not yet purchased or used your services to give feedback on them. A ratings system is directed to existing or prior customers, not prospective ones. Further, even if such a combination were desirable, mere desirability, particularly when one is using hindsight to pick and choose aspects of different systems that are completely unrelated to achieve desirability, does not mean there is a suggestion to combine the references. There is no suggestion within any of the references to combine aspects of a rating system like Kohen with the purchasing systems of Giovannoli and Shkedy. For at least these reasons, Applicants respectfully submit that Claims 1, 13, 26, 30-31, and 35-38 are allowable over the cited prior art and request favorable consideration. As the remaining claims depend from certain of such claims, Applicants request favorable consideration of such remaining claims as well.

The Examiner also rejected Claims 4 and 17 under 35 USC 103(a) as being unpatentable over Giovannoli in view of Shkedy and further in view of U.S. Patent No. 5,416,833 (hereafter "Harper"). In particular, the Examiner asserts that Harper teaches obtaining demographics at Column 18, lines 58-61. However, Claims 4 and 17 recite business demographics, not the demographics of an individual consumer that are gleaned during a customer service call. The Examiner admits that Harper only teaches using the demographics of individuals. Further, there is no suggestion to combine the other references cited by the Examiner with Harper. Merely stating that it would be desirable is not enough to provide a suggestion to combine the references. There must be a suggestion to combine the references from the references themselves. For at least these additional reasons, Applicants respectfully submit that Claims 4 and 17 are allowable over the cited prior art.

Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant's representative indicated below to further prosecution of this application to allowance and issuance.

It is believed there is no fee due for filing this Response; if, however, a fee should be due, please charge the same to our deposit account 50-2816.

Respectfully submitted,

PATTON BOGGS, LLP

A handwritten signature in black ink, appearing to read 'Dc' followed by a long horizontal stroke.

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